

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

|                                  |   |          |
|----------------------------------|---|----------|
| PROPOSED TARIFF FILING OF SOUTH  | ) |          |
| CENTRAL BELL TELEPHONE COMPANY   | ) | CASE NO. |
| RELATING TO CUSTOM CALLING       | ) | 89-355   |
| FEATURES: CALL FORWARDING BUSY   | ) |          |
| AND CALL FORWARDING DON'T ANSWER | ) |          |

O R D E R

This matter arising upon petition of South Central Bell Telephone Company ("South Central Bell") filed December 11, 1989 pursuant to 807 KAR 5:001, Section 7, for confidential protection of a supporting cost study on the grounds that disclosure of the information is likely to cause South Central Bell competitive injury, and it appearing to the Commission as follows:

South Central Bell has filed a tariff for certain services which it proposes to offer. In support of its tariff South Central Bell has submitted a cost study, which it has petitioned be withheld from public disclosure because competitors could use that study to determine revenues and expenses associated with South Central Bell's operations in Kentucky.

Computer printouts contained in the study show cost methodology, cost factors, labor rates and estimates of time required for installation, maintenance, and administration, which could be used to make a comparison of costs by specific markets. That information, along with the demand information and the cost information contained in the study, could be used by providers of

similar customer premises equipment to distinguish the lucrative markets from the unprofitable ones.

The information which South Central Bell is seeking to protect is not known outside of South Central Bell, is not disseminated within South Central Bell except to those employees who have a legitimate business need to know and act upon the information, and is protected from public disclosure by South Central Bell through all appropriate means.

807 KAR 5:001, Section 7, protects information as confidential when it is established that disclosure is likely to result in competitive injury to the party possessing the information. In order to satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

Because the information could be used by providers of customer premises equipment, disclosure of the study is likely to result in competitive injury to South Central Bell. The petition, therefore, to protect the study as confidential should be granted.

This Commission being otherwise sufficiently advised,

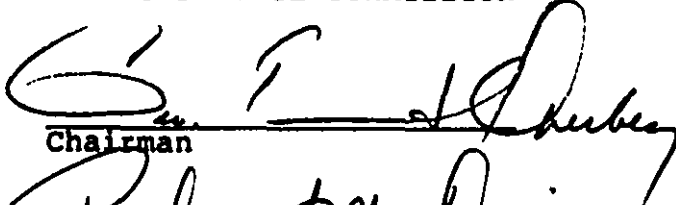
IT IS ORDERED that:


1. The cost study filed by South Central Bell in support of the tariff filed in this proceeding, which South Central Bell has petitioned be protected from public disclosure, shall be held and retained by the Commission as confidential and shall not be open for public inspection.

2. South Central Bell shall, within 10 days of this Order, file an edited copy of the cost support study with the confidential material obscured for inclusion in the public record, with copies to all parties of record.

Done at Frankfort, Kentucky, this 12th day of January, 1990.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

\_\_\_\_\_  
Commissioner

ATTEST:

\_\_\_\_\_  
Executive Director